



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.12819 to 12823 of 2024

and

W.M.P.(MD) Nos.11397, 11408, 11399, 11409 and 11407 of 2024

K.Balasubramanian

... Petitioner in W.P.(MD) No.12819 of 2024

G.Muthukrishnan

... Petitioner in W.P.(MD) No.12820 of 2024

P.Chinnathambi

... Petitioner in W.P.(MD) No.12821 of 2024

R.Sekar

... Petitioner in W.P.(MD) No.12822 of 2024

R.Muthaiah

... Petitioner in W.P.(MD) No.12823 of 2024

/vs./

1.The District Collector,
Tenkasi.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tuticorin.



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3.The Executive Officer,
Sri Thirukuttalanathar Temple,
Coutralam,
Tenkasi District.

... Respondents in all W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the reply representation dated 24.05.2024, 05.06.2024, 24.05.2024, 24.05.2024, 08.06.2024 and 24.05.2024 respectively to the legal notice of the 3rd respondent dated 09.05.2024 and forbearing the respondent from evicting the petitioners from the shops located in ITMS Nos.80, 107, 85, 108 and 75 measuring to an extent of 255.52 sq.ft., 130.28 sq.ft., 200.14 sq.ft., 120.52 sq.ft., and 190.11 sq.ft., respectively except under due process of law.

For Petitioners
in all W.Ps., : Mr.S.Madhavan

For R1 & R2
in all W.Ps., : Mr.P.Subbaraj
Special Government Pleader

For R3
in all W.Ps., : Mr.S.Manohar
Standing Counsel



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COMMON ORDER

The petitioners appear to be the tenants and sub tenants of the third respondent temple. Pursuant to the orders passed in W.P.(MD) No.8488 of 2014, orders have been passed to remove the encroachment and to remove the structures, which are abutting the temple, where there was a fire accident about 8 to 9 months back.

2.It appears that after the major fire accident in the Meenakshi Amman Temple, Madurai, the HR & CE Department had taken a decision to remove all shops, which were close to the temple premises and pose danger to the structure.

3.Under these circumstances, the petitioners have filed a writ petition in W.P.(MD) No.24701 of 2018 before the Principal Bench at Madras for directing the temple authorities, namely the second respondent to give an alternate site for the petitioners.

4.The petitioners are now aggrieved by the impugned notice all dated 09.05.2024 informing the petitioners that the tenancy stand cancelled and that they should vacate the premises.



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5.The petitioners have challenged the impugned notices stating that there cannot be a cancellation of tenancy and that proper procedure has to follow under Section 78 of the HR & CE Act, 1959.

6.The learned counsel for the third respondent would submit that although the impugned notices have called upon the petitioners to vacate the premises, no steps will be taken to vacate the respective petitioners without following due procedure under Section 78 of the HR & CE Act, 1959.

7.Recording the above submissions, these Writ Petitions stand closed by directing the respondents not to proceed further with the impugned notice without invoking Section 78 of the HR & CE Act, 1959. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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To

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Tenkasi.
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C.SARAVANAN, J.

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